

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue Applicant:	David E. Hirth	§	Examiner:	Kenneth L. Thompson
		§		
Patent No.:	6,079,496	§	Group Art Unit:	3672
		§		
Serial No.:	09/939,227	§	Docket No.:	284-09555-US
		§		(D5407-25)
Filing Date:	August 24, 2001	§		
		§		
Title:	Reduced Shock Landing Collar	§		

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR WITHDRAWAL OF THE HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181 AND MPEP § 711.03(c) BASED ON FAILURE TO RECEIVE OFFICE ACTION AND IN THE ALTERNATIVE A PETITION TO REVIVE AN ABANDONED APPLICATION UNDER 37 C.F.R. § 1.137(a) OR UNDER 37 C.F.R. § 1.137(b)

Dear Sir:

This communication is responsive to a Notice of Abandonment mailed December 8, 2008, for the subject application.

The Applicant hereby petitions the Office to withdraw the holding of abandonment of the subject application based on failure to receive an Office Action under 37 C.F.R. § 1.181(a) and MPEP § 711.03(c).

A Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) was previously filed on January 14, 2009. After further review of the application file and facts, it was determined that the application was abandoned unavoidably based on the failure the received an Office Action.

If the Petition to Withdraw the Holding of Abandonment is granted, Applicant request that the previously paid fee under 37 C.F.R. 1.17(m) of \$1540 be refunded to Deposit Account No. 04-1679.

In the alternative, the Applicant hereby petitions to revive an abandoned application under 37 C.F.R. § 1.137 (a) or under 37 C.F.R. § 1.137(b).

Examiner Kenneth L. Thompson telephoned Applicant's attorneys office on December 5, 2008, and informed the attorney's paralegal, Tracie Thigpen, that an Office Action had been mailed on May 22, 2008, and questioned whether it was the Applicants intent to abandon the application because a response had not been received.

Ms. Thigpen downloaded the Office Action from Private PAIR on December 5, 2008.

On January 14, 2009, Applicant filed a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b), and Amendment in response to the May 22, 2008 Office Action.

Filed herewith are the following documents:

1. Exhibit A is a copy of the Notice of Abandonment mailed on December 8, 2008;
2. Exhibit B is a copy of the May 22, 2008 Office Action downloaded from Private PAIR;
3. Exhibit C is a redacted copy of the firm's electronic docket showing all due dates entered for August 22, 2008, which is the date the response to the non-received Office Action would have been entered had it been received as Exhibit C¹;
4. Exhibit D are copies the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b), and Amendment previously filed on January 14, 2009.

¹ The identity of the client for each application has been redacted to preserve confidentiality.

**PETITION FOR WITHDRAWAL OF THE HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION**

The undersigned hereby states that the Office Action mailed on May 22, 2008 was not received by the undersigned, and that a search of the respective file jacket and docket records indicate that the Office Action was never received.

The undersigned hereby states that the correspondence address is:

Duane Morris LLP
3200 Southwest Freeway, Suite 3150
Houston, Texas 77027

The Notice of Abandonment indicates that the subject application was abandoned for failure to reply to an Office Action mailed from the Patent Office on May 22, 2008. The Notice of Abandonment was mailed to the correspondence address shown above. A true and correct copy of the Notice of Abandonment showing the address above is submitted herewith as Exhibit A.

A true and correct copy of the May 22, 2008 Office Action which was downloaded from Private PAIR is attached as Exhibit B.

The undersigned hereby states that the Office Action was not received by the attorneys of record in the application. A copy of the firm's electronic docket showing all deadlines entered for August 22, 2008, which is the date that the response to the non-received Office Action would have been entered had it been received as Exhibit C.

The undersigned hereby states that the paralegal whose duties included recording and docketing office actions possessed sufficient training in the necessary docketing duties.

**PETITION TO REVIVE AN ABANDONED
APPLICATION UNDER 37 CFR §1.137(a)**

In the alternative, the undersigned hereby petitions the Office to revive the abandoned application under 37 CFR §1.137(a).

37 CFR §1.137(a) requires that an adequate showing of the cause of the delay until the filing of a grantable petition under 37 CFR §1.137(a) was unavoidable.

As stated above, the undersigned did not receive the Office Action mailed by the Patent Office on May 22, 2008. Further and as required by the statute, the showing of a business routine for performing the clerical function that may be relied upon to avoid docketing errors and an attestation of the docketing training held by the undersigned's docketing clerk is also discussed above.

**PETITION TO REVIVE AN ABANDONED
APPLICATION UNDER 37 CFR §1.137(b)**

Further in the alternative, the undersigned hereby requests that the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) which was previously filed with the Patent Office on January 14, 2009 be considered.

As required by 37 CFR §1.137(b), Applicant hereby states that the entire delay until the filing of a grantable petition under 37 CFR §1.137(b) was unintentional.

Information regarding the unintentional nature of the delay is disclosed in the preceding paragraphs.

REMARKS

In view of the above, the Applicant hereby petitions the Office to withdraw holding of abandonment based on failure to receive an Office Action under 37 C.F.R. § 1.181 and MPEP § 711.03(c). In the alternative, the Applicant hereby petitions to revive an abandoned application under 37 C.F.R. § 1.137(a) or under 37 C.F.R. § 1.137(b).

While the Applicant believes that no fee is necessary, the Commissioner is granted authority to charge any required fees associated with the Petition to Deposit Account No. 04-1679.

Favorable consideration of this Petition is hereby respectfully solicited.

2/26/09
Date

Respectfully submitted,

Richard T. Redano

Richard T. Redano

Reg. No. 32,292

Duane Morris LLP

3200 Southwest Freeway Suite 3150

Houston, TX 77027

Tel.: 713.402.3900

Fax: 713.402.3901

EXHIBIT A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,227	08/24/2001	David Eugene Hirth	D5407-25	4072
25397 7590 12/08/2008 DUANE MORRIS LLP - Houston 3200 SOUTHWEST FREEWAY SUITE 3150 HOUSTON, TX 77027			EXAMINER THOMPSON, KENNETH L	
			ART UNIT	PAPER NUMBER
			3672	
			MAIL DATE	DELIVERY MODE
			12/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Abandonment

Application No.

09/939,227

Examiner

Kenneth Thompson

Applicant(s)

HIRTH, DAVID EUGENE

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 22 May 2008.

(a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.

(b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

(c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).

(d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

(a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).

(b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.

The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.

(c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

(a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.

(b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

/Kenneth Thompson/
Primary Examiner, Art Unit 3672

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

EXHIBIT B



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/939,227

08/24/2001

David Eugene Hirth

D5407-25

4072

25397 7590 05/22/2008
DUANE MORRIS LLP
3200 SOUTHWEST FREEWAY
SUITE 3150
HOUSTON, TX 77027

EXAMINER

THOMPSON, KENNETH L

ART UNIT	PAPER NUMBER
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3672

MAIL DATE	DELIVERY MODE
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05/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/939,227

Applicant(s)

HIRTH, DAVID EUGENE

Examiner

Kenneth Thompson

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004; 14 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-17 and 19 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,20-24,32 and 34-36 is/are rejected.
- 7) ☒ Claim(s) 3,18,25-31 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The indicated allowability of claims 1, 2, 4, 5, 6 and 20 is withdrawn in view of the newly discovered reference(s) to Angel, U.S. 3,013,612. Rejections based on the newly cited reference(s) follow.

Claim Objections

Claim 18 is objected to because of the following informalities:

The recitation "if" and line 14 should be changed to "when" or the like. As written it is unclear whether the limitations following "if" are included in the scope of the claim. Appropriate correction is required.

Specification

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Response to Amendment

The amendment to the claims filed 14 March 2007 fails to comply with 37 CFR 1.173:

An amendment paper must include the entire text of each claim being changed by such amendment paper and of each claim being added by such amendment paper. For any claim changed by the amendment paper, a parenthetical expression "amended," "twice amended," etc., should follow the claim number. Each changed patent claim and each added claim must include markings pursuant to paragraph (d) of

Art Unit: 3672

this section, except that a patent claim or added claim should be canceled by a statement canceling the claim without presentation of the text of the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 6, 20, 21, 22, 23, 24, 32, 34 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Angel, U.S. 3,013,612.

Angel discloses a plastic (col. 5, lines 10-15) seat assembly (13,35,21,34,27) having threads (15) and a seat (on 34) adapted to receive a fluid obstructing member (24) thereon. Angel discloses the spring loaded seat assembly movable between a first obstructed position, an open second position (col. 3, lines 6-11) wherein a range of fluid pressures exerted by flow past the seat and member causes the spring (17) to regulate the rate of movement of the seat assembly.

Angel discloses the seat assembly having a first (21) and second (34) component wherein failure of the first component (21) to move to the second position shear pins (37) allowing separation of the components (34,21).

Angel discloses a cavity between the flow obstruction object (24) and a flow restrictor (39).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Angel, U.S. 3,013,612.

Angel discloses all the claimed limitations including the nonmetallic apparatus being formed of material such as plastic, brass or the like. Angel does not mention ceramic. It would have been obvious to one having ordinary skill in the art at the time of the invention to include a ceramic on the basis of its suitability for the application to achieve predictable results.

Allowable Subject Matter

Claims 3, 25-31 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 18 would be allowable if rewritten or amended to overcome the objection set forth in this Office action.

Claims 7-17 and 19 are allowed.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Applicants should note that if reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Thompson whose telephone number is 571 272-7037. The examiner can normally be reached on 6:00 am - 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

20 May 2008

/Kenneth Thompson/
Primary Examiner, Art Unit 3672

Notice of References Cited	Application/Control No. 09/939,227		Applicant(s)/Patent Under Reexamination HIRTH, DAVID EUGENE	
	Examiner Kenneth Thompson		Art Unit 3672	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-4,520,870	06-1985	Pringle, Ronald E.	166/317
*	B	US-3,331,378	07-1967	GIBBS JOE W; et. al.	137/68.17
*	C	US-3,013,612	12-1961	ANGEL RICHARD R	166/325
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			


FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Index of Claims 	Application/Control No. 09939227	Applicant(s)/Patent Under Reexamination HIRTH, DAVID EUGENE
	Examiner Kenneth Thompson	Art Unit 3672


✓	Rejected
=	Allowed

-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant			<input type="checkbox"/> CPA			<input type="checkbox"/> T.D.			<input type="checkbox"/> R.1.47		
CLAIM		DATE									
Final	Original	05/20/2008									
	1	✓									
	2	✓									
	3	O									
	4	✓									
	5	✓									
	6	✓									
	7	=									
	8	=									
	9	=									
	10	=									
	11	=									
	12	=									
	13	=									
	14	=									
	15	=									
	16	=									
	17	=									
	18	O									
	19	=									
	20	✓									
	21	✓									
	22	✓									
	23	✓									
	24	✓									
	25	O									
	26	O									
	27	O									
	28	O									
	29	O									
	30	O									
	31	O									
	32	✓									
	33	O									
	34	✓									
	35	✓									
	36	✓									


<i>Index of Claims</i> 	Application/Control No. 09939227	Applicant(s)/Patent Under Reexamination HIRTH, DAVID EUGENE
	Examiner Kenneth Thompson	Art Unit 3672

✓	Rejected
=	Allowed

-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Search Notes 	Application/Control No. 09939227	Applicant(s)/Patent Under Reexamination HIRTH, DAVID EUGENE
	Examiner Kenneth Thompson	Art Unit 3672

SEARCHED			
Class	Subclass	Date	Examiner
166	updated	5/20/08	KT
166	373	5/20/08	KT
137	68.19, 68.15, 68.22, 68.23, 71, 797	5/20/08	KT

SEARCH NOTES		
Search Notes	Date	Examiner

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

EXHIBIT C

External terms due 8/22/2008

2/17/2009

Matter	Team	Client	Catchword	Status	Action	Due
D0968-00079	Peter J. Cronk		PCT OF D0968-00075	CHAPTER 2 DEMAND	deadline - chapter 2 3 months from 1st demand due	8/22/2008
D0968-00079	Peter J. Cronk		PCT OF D0968-00075	WRITTEN OPINION ISSUED	deadline - resp to written opinion	8/22/2008
D1815-00163	Certainlead/SG- Kil		NZ D1815-00058	FOREIGN OFFICE ACTION ISSUED	deadline - resp to foreign OA	8/22/2008
D3301-00114	Joseph A. Powers -		ANTENNA SYSTEM CIP OF-73	MAINTENANCE FEE DUE	deadline - pay maintenance fee	8/22/2008
D4695-00169	Maxim A. Voltchent		EASY PEEL - TM APPLICATION	OA RECEIVED - 1ST	response due - office action	8/22/2008
D4811-00045	Lewis F. Gould		1925-11-2 JAPAN POWER FORMER	RENEWAL	deadline - trademark renewal	8/22/2008
D4886-00004	Stephan P. Gribok-		7709-5 PAT SRCH PRECAST DOCK	2ND MAINTENANCE FEE WITH FINE	deadline - pay maintenance fee w/fine	8/22/2008
D5116-00041	Steven E. Koffs- Pa		JAPAN - EXTRACTION METHOD	5TH ANNUITY PERIOD	deadline - pay annuity	8/22/2008
D5407-00304	Gary R. Maze		284-42594-US - NON-METALLIC	FINAL REJECTION RECEIVED	notice of appeal due	8/22/2008
D5433-00499	Gary R. Maze		BRAZIL - METHOD FOR EXTENDING	4TH ANNUITY PERIOD	deadline - pay annuity	8/22/2008
D5433-00500	Gary R. Maze		CANADA - METHOD FOR EXTENDING	4TH ANNUITY PERIOD	deadline - pay annuity	8/22/2008
D5433-00502	Gary R. Maze		INDONESIA - METHOD FOR EXTEN	REQUEST FOR EXAMINATION	deadline - request examination	8/22/2008
D5433-00503	Gary R. Maze		JAPAN - METHOD FOR EXTENDING	REQUEST FOR EXAMINATION	deadline - request examination	8/22/2008

External terms due 8/22/2008

2/17/2009

Matter	Team	Client	Catchword	Status	Action	Due
D5433-00508	Gary R. Maze	...	EPO - METHOD FOR EXTENDING T	4TH ANNUITY PERIOD	deadline - pay annuity	8/22/2008
D5433-00510	Gary R. Maze		AUSTEMPERING	4TH ANNUITY PERIOD	deadline - pay annuity	8/22/2008
D5433-00511	Gary R. Maze		SOUTH AFRICA - METHOD FOR EX	4TH ANNUITY PERIOD	deadline - pay annuity	8/22/2008
D8114-00444	Allison Z. Gifford		MOTHERHOOD CL 25 (2008)	PRIORITY CONVENTION TERM	deadline - foreign filing	8/22/2008
D8114-00445	Allison Z. Gifford		MOTHERHOOD CL 18 (2008)	PRIORITY CONVENTION TERM	deadline - foreign filing	8/22/2008
D9147-02863	Saint-Gobain - NKA		FURON 1990/61259 4047480 JAP	DEADLINE - RECLASSIFICATION PETITION	file petition to reclassify in japan	8/22/2008
E6957-00002	Patrick D. McPhers		IDENTITY MANAGEMENT	APPLICATION COMPLETE	deadline - file non-provisional	8/22/2008
E6957-00002	Patrick D. McPhers		IDENTITY MANAGEMENT	FOREIGN FILING DEADLINE	deadline - foreign filing	8/22/2008
T0957-00092	D. Joseph English		1007EP-OPTICAL COATINGS	FOREIGN OFFICE ACTION ISSUED	deadline - resp to foreign OA	8/22/2008
T0970-00248	D. Joseph English		781 MAKING ARC TUBES US	MAINTENANCE FEE DUE	deadline - pay maintenance fee	8/22/2008
Y0546-00008	Allison Z. Gifford		TM TRIOSYN & DESIGN / US	NTC. OF SUSPENSION REC'D	ntc. of suspension mailed six months ago	8/22/2008
Y1163-00002	Gregory P. Gullia		BRAZIL	RENEWAL WITH FINE	deadline - trademark renewal w/fine	8/22/2008
Y3078-00162	Jules E. Goldberg		YY-5118	MAINTENANCE FEE DUE	deadline - pay maintenance fee	8/22/2008
Y3119-00001	Arthur M. Dresner		TM: HEALTHY FOR YOU	PRIORITY CONVENTION TERM	deadline - foreign filing	8/22/2008

EXHIBIT D

Acknowledgement Receipt

The USPTO has received your submission at **11:52:27** Eastern Time on **14-JAN-2009** by Deposit Account: 041679.

\$ **2500** fee paid by e-Filer via *RAM* with Confirmation Number: 7130.

You have also pre-authorized the following payments from your USPTO Deposit Account:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)
 Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

eFiled Application Information

EFS ID	4609173
Application Number	09939227
Confirmation Number	4072
Title	REDUCED SHOCK LANDING COLLAR
First Named Inventor	David Eugene Hirth
Customer Number or Correspondence Address	25397
Filed By	Gary R. Maze/Tracie Thigpen
Attorney Docket Number	284-09555-US (D5407- 25)
Filing Date	24-AUG-2001
Receipt Date	14-JAN-2009
Application Type	Utility under 35 USC 111 (a)

Application Details

Submitted Files	Page Count	Document Description	File Size	Warnings
D5407-25PetitionToRevive1-14-09-PDF.pdf	3	Petition for review by the Office of Petitions.	54010 bytes	◆ PASS
D5407-25Amendment1-14-09.pdf	12		92519 bytes	◆ PASS
		Document Description	Page Start	Page End
		Amendment Copy Claims/Response to Suggested Claims	1	1
		Claims	2	10
		Applicant Arguments/Remarks Made in an Amendment	11	12
fee-info.pdf	2	Fee Worksheet (PTO-06)	32204 bytes	◆ PASS

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as

evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
284-09555-US (D5407-25)

First named inventor: David Eugene Hirth

Application No.: 09/939,227

Art Unit: 3672

Filed: 08/24/2001

Examiner: Kenneth L. Thompson

Title: Reduced Shock Landing Collar

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1620 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Amendment (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

/GaryMaze/
Signature

01/14/2009
Date

Gary R. Maze
Typed or printed name

42,851
Registration Number, if applicable

3900 Southwest Freeway, Suite 3150
Address

713.402.3917
Telephone Number

Houston, Texas 77027
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate

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The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
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3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue Applicant:	David E. Hirth	§	Examiner:	Kenneth L. Thompson
		§		
Patent No.:	6,079,496	§	Group Art Unit:	3672
		§		
Serial No.:	09/939,227	§	Docket No.:	284-09555-US
		§		(D5407-25)
Filing Date:	August 24, 2001	§		
		§		
Title:	Reduced Shock Landing Collar	§		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Dear Sir:

Responsive to the Office Action mailed 05/22/2008 please make the following amendments:

IN THE CLAIMS

1. (Original) An apparatus for selective pressure build-up in a tubular, comprising:
a seat assembly comprising a seat supported by a movable body, said seat adapted to receive a member thereon to obstruct the tubular for pressure build-up;

said seat assembly movable between a first position, where the tubular may be obstructed by said member, and a second position, where flow past said seat and member can occur; and

a movement-regulating device operable on said seat assembly to selectively regulate the rate of movement from said first to said second position.

2. (Original) The apparatus of claim 1, wherein:

said regulating device prevents movement of said seat assembly until a predetermined range of applied pressure is exerted on said seat assembly.

3. (Currently amended) ~~The apparatus of claim 2, further comprising:~~

An apparatus for selective pressure build-up in a tubular, comprising:

a seat assembly comprising a seat supported by a movable body, said seat adapted to receive a member thereon to obstruct the tubular for pressure build-up;

said seat assembly movable between a first position, where the tubular may be obstructed by said member, and a second position, where flow past said seat and member can occur; and

a movement-regulating device operable on said seat assembly to selectively regulate the rate of movement from said first to said second position;

said regulating device prevents movement of said seat assembly until a predetermined range of applied pressure is exerted on said seat assembly;

a housing defining a fluid chamber adjacent said seat assembly;

said seat assembly movably mounted to said housing such that movement of said seat assembly changes the volume of said fluid chamber.

4. (Original) The apparatus of claim 1, wherein:
at least one portion of said seat assembly is nonmetallic.
5. (Original) The apparatus of claim 4, wherein:
the entire seat assembly is nonmetallic.

6. (Original) An apparatus for selective pressure build-up in a tubular, comprising:
- a seat assembly comprising a seat supported by a movable body, said seat adapted to receive a member thereon to obstruct the tubular for pressure build-up;
 - said seat assembly movable between a first position, where the tubular may be obstructed by said member, and a second position, where flow past said seat and member can occur; and
 - a movement-regulating device operable on said seat assembly to selectively regulate movement from said first to said second position;
 - said regulating device prevents movement of said seat assembly until a predetermined range of applied pressure is exerted on said seat assembly;
 - said seat assembly is made of at least a first and second component;
 - said first component releasably engaged to said second component;
 - said first component interacting with said regulating device for control of movement of said seat assembly;
 - whereupon failure of said first component to move sufficiently toward said second position, a build-up of pressure on said seat, above said predetermined range, separates said first and second components to reestablish flow in the tubular.
7. (Previously amended) An apparatus for selective pressure build-up in a tubular, comprising:
- a seat assembly comprising a seat supported by a movable body, said seat adapted to receive a member thereon to obstruct the tubular for pressure build-up;
 - said seat assembly movable between a first position, where the tubular may be obstructed by said member, and a second position, where flow past said seat and member can occur; and
 - a movement-regulating device operable on said seat assembly to selectively regulate movement from said first to said second position;
 - said regulating device prevents movement of said seat assembly until a predetermined range of applied pressure is exerted on said seat assembly;
 - a housing defining a fluid chamber adjacent said seat assembly;
 - said seat assembly movably mounted to said housing such that movement of said seat assembly changes the volume of said fluid chamber
 - said fluid chamber has an outlet with a removable barrier mounted in said outlet.

8. (Original) The apparatus of claim 7, wherein:
said removable barrier comprises a rupture disc.
9. (Original) The apparatus of claim 7, wherein:
said outlet comprises a flow restrictor to regulate fluid flow rate out of said fluid chamber to facilitate regulated movement of said seat assembly toward its said second position.
10. (Original) The apparatus of claim 9, wherein:
said housing comprises at least one lateral port and inlet;
said seat assembly mounted in said inlet and in its said first position blocking said port;
whereupon pressure build-up to said predetermined range, said seat assembly creates fluid pressure in said fluid chamber to remove said removable barrier so that said seat assembly can move toward its said second position;
whereupon said port is opened to reestablish flow in the tubular.
11. (Original) The apparatus of claim 10, wherein:
said port has a shape which creates an open area which increases disproportionately with increasing translational movement of said seat assembly.
12. (Original) The apparatus of claim 9, wherein:
said seat assembly is made of at least a first and second component;
said first component releasably engaged to said second component;
said first component forming a part of said fluid chamber;
whereupon failure of said first component to move sufficiently toward said second position to uncover said port, a build-up of pressure on said obstructed seat, above said predetermined range, separates said first and second components to reestablish flow in the tubular.
13. (Original) The apparatus of claim 12, wherein:
said seat is mounted on a sleeve which defines said second component;
said first component comprises a piston with respect to said cavity, having a bore therethrough to allow a member to pass therethrough and sealingly land on said seat;
said piston connected to said sleeve by a breakable member for tandem movement until an applied pressure beyond said predetermined range is applied to said sleeve;

whereupon failure of said piston to move toward said second position, said sleeve separates from said piston as said breakable member breaks.

14. (Original) The apparatus of claim 13, wherein:

said breakable member comprises at least one shear pin.

15. (Original) An apparatus for selective pressure build-up in a tubular, comprising:

a housing;

a seat assembly mounted to said housing and defining a fluid chamber, said fluid chamber having an outlet and an obstructing member in said outlet;

said seat assembly further comprising a seat which, when obstructed and subjected to a predetermined range of pressure within the tubular, causes said seat assembly to, in turn, increase fluid pressure in said chamber to overcome said obstructing member, which allows movement of said seat assembly at a controlled rate from a first position, where the tubular is obstructed, to a second position, where flow past said seat assembly is established.

16. (Original) The apparatus of claim 15, wherein:

said obstructing member further comprises a flow restriction member in said outlet.

17. (Original) An apparatus for selective pressure build-up in a tubular, comprising: a housing;

a seat assembly mounted to said housing and defining a fluid chamber, said fluid chamber having an outlet and an obstructing member in said outlet;

said seat assembly further comprising a seat which, when obstructed and subjected to a predetermined range of pressure within the tubular, causes said seat assembly to, in turn, increase fluid pressure in said chamber to overcome said obstructing member, which allows movement of said seat assembly from a first position, where the tubular is obstructed, to a second position, where flow past said seat assembly is established;

said obstructing member comprises a rupture disc.

18. (Currently amended) An apparatus for selective pressure build-up in a tubular, comprising:

a housing;

a seat assembly mounted to said housing and defining a fluid chamber, said fluid chamber having an outlet and an obstructing member in said outlet;

said seat assembly further comprising a seat which, when obstructed and subjected to a predetermined range of pressure within the tubular, causes said seat assembly to, in turn, increase fluid pressure in said chamber to overcome said obstructing member, which allows movement of said seat assembly from a first position, where the tubular is obstructed, to a second position, where flow past said seat assembly is established;

said seat assembly comprises a piston having a bore therethrough and a sleeve releasably secured to said piston;

said piston forming a portion of said chamber, said bore allowing an obstructing member to pass through said piston and sealingly engage said seat;

whereupon if when said piston fails to move sufficiently toward its said second position, application of pressure beyond said predetermined range of pressure causes said sleeve with said seat obstructed to break away from said piston to allow flow through the tubular.

19. (Original) An apparatus for selective pressure build-up in a tubular, comprising: a housing;

a seat assembly mounted to said housing and defining a fluid chamber, said fluid chamber having an outlet and an obstructing member in said outlet;

said seat assembly further comprising a seat which, when obstructed and subjected to a predetermined range of pressure within the tubular, causes said seat assembly to, in turn, increase fluid pressure in said chamber to overcome said obstructing member, which allows movement of said seat assembly from a first position, where the tubular is obstructed, to a second position, where flow past said seat assembly is established;

said obstructing member further comprises a flow restriction member in said outlet;

said obstructing member comprises a rupture disc;

said seat assembly comprises a piston having a bore therethrough and a sleeve releasably secured to said piston;

said piston forming a portion of said chamber, said bore allowing an obstructing member to pass through said piston and sealingly engage said seat;

whereupon if said piston fails to move sufficiently toward its said second position, application of pressure beyond said predetermined range of pressure causes said sleeve with said seat obstructed to break away from said piston to allow flow through the tubular.

20. (Original) An apparatus for selective pressure build-up in a tubular, comprising:
a seat assembly comprising a seat supported by a movable body, said seat adapted to receive a member thereon to obstruct the tubular for pressure build-up;

said seat assembly movable between a first position, where the tubular may be obstructed by said member, and a second position, where flow past said seat and member can occur; and
a movement-regulating device operable on said seat assembly to selectively regulate movement from said first to said second position;

the entire seat assembly is nonmetallic;

a substantial portion of said movement-regulating device is non-metallic.

21. (Currently amended) An apparatus for selective obstruction on a tubular by holding an object placed thereon, to allow pressure buildup in said tubular, comprising:

a non-metallic body mounted in the tubular having a through passage there-through and a bypass passage and further comprising a seat within said body surrounding said through passage to accept the object, to allow, in a first position, for selective pressure buildup starting from above where the object contacts said seat in said body with said bypass passage closed and, in a second position, selective release of said built up pressure through said bypass passage with said object still on said seat with said body retained in the tubular, said non-metallic construction of said body facilitating rapid removal thereof for subsequent full bore access through the tubular.

22. (Currently amended) An apparatus for selective obstruction on a tubular by holding an object placed thereon, to allow pressure buildup in said tubular, comprising:

a non-metallic body mounted in the tubular having a through passage there-through and further comprising a seat surrounding said though passage to accept the object, to allow for selective pressure buildup above said body, said non-metallic construction of said body facilitating rapid removal thereof for subsequent full bore access through the tubular;

said body is made from a plurality of non-metallic components movable with respect to each other responsive to a predetermined force on the object when engaged to the said seat to open a bypass passage around said object on said seat in said through passage.

23. (Previously added) The apparatus of claim 22, wherein:
relative movement of said non-metallic components is regulated by displacement of fluid from a cavity, defined at least in part by said components, through an outlet which presents a flow restriction.
24. (Previously added) The apparatus of claim 23, wherein:
said cavity is formed, at least in part, by the tubular.
25. (Currently amended) ~~The apparatus of claim 23, wherein:~~
An apparatus for selective obstruction on a tubular by holding an object placed thereon, to allow pressure buildup in said tubular, comprising:
a non-metallic body mounted in the tubular having a passage there-through and further comprising a seat surrounding said passage to accept the object, to allow for selective pressure buildup above said body, said non-metallic construction of said body facilitating rapid removal thereof for subsequent full bore access through the tubular;
said body is made from a plurality of non-metallic components movable with respect to each other responsive to a predetermined force on the object when engaged to the said seat;
relative movement of said non-metallic components is regulated by displacement of fluid from a cavity, defined at least in part by said components, through an outlet which presents a flow restriction;
one of said components comprises a housing secured to the tubular, another of said components comprises a piston, said cavity defined between said piston and said housing, said restriction is defined by said housing as an outlet in communication with said cavity, said cavity varies in volume upon piston movement.
26. (Previously added) The apparatus of claim 25, wherein:
said piston exposes a bypass passage upon a predetermined movement.
27. (Previously added) The apparatus of claim 26, wherein:
said bypass passage increases in open area at a higher rate as said piston is displaced.
28. (Previously added) The apparatus of claim 25, wherein:
said piston is in two pieces which are selectively held by a breakable member;
whereupon pressure buildup to a predetermined level, a portion of said piston with said seat and the object in contact therewith can be expelled through said housing.

29. (Currently amended) ~~The apparatus of claim 24, wherein:~~

An apparatus for selective obstruction on a tubular by holding an object placed thereon, to allow pressure buildup in said tubular, comprising:

a non-metallic body mounted in the tubular having a passage there-through and further comprising a seat surrounding said passage to accept the object, to allow for selective pressure buildup above said body, said non-metallic construction of said body facilitating rapid removal thereof for subsequent full bore access through the tubular;

said body is made from a plurality of non-metallic components movable with respect to each other responsive to a predetermined force on the object when engaged to the said seat;

relative movement of said non-metallic components is regulated by displacement of fluid from a cavity, defined at least in part by said components, through an outlet which presents a flow restriction;

said cavity is formed, at least in part, by the tubular;

said components comprise a stationary component supported by the tubular and a movable piston extending sealingly and movably through an opening in said stationary component,

said movable piston contacting the tubular to define said cavity as an annular shape around said piston; and

said restriction is mounted to said housing.

30. (Previously added) The apparatus of claim 29, wherein

said seat is secured to said piston by a breakable member;

whereupon pressure buildup to a first level on said seat, with the object engaged to it, displaces said piston with said seat to reduce the volume of said cavity by fluid displacement through said restriction, while a further pressure buildup breaks said breakable member to allow said seat and the object to be expelled from a passage in said piston.

31. (Currently amended) ~~The apparatus of claim 23, wherein:~~

An apparatus for selective obstruction on a tubular by holding an object placed thereon, to allow pressure buildup in said tubular, comprising:

a non-metallic body mounted in the tubular having a passage there-through and further comprising a seat surrounding said passage to accept the object, to allow for selective pressure

buildup above said body, said non-metallic construction of said body facilitating rapid removal thereof for subsequent full bore access through the tubular;

said body is made from a plurality of non-metallic components movable with respect to each other responsive to a predetermined force on the object when engaged to the said seat;

relative movement of said non-metallic components is regulated by displacement of fluid from a cavity, defined at least in part by said components, through an outlet which presents a flow restriction;

said restriction comprises a rupture disc.

32. (Previously added) The apparatus of claim 23, wherein:
said restriction comprises an orifice.

33. (Previously added) The apparatus of claim 31, wherein:
said restriction comprises an orifice.

34. (Previously added) The apparatus of claim 21, wherein:
said body comprises an external thread for mounting to the tubular.

35. (Currently amended) An apparatus for selective obstruction on a tubular by holding an object placed thereon, to allow pressure buildup in said tubular, comprising:

a non-metallic body mounted in the tubular having a through passage there-through and a bypass passage and further comprising a seat surrounding said through passage to accept the object, to allow, in a first position, for selective pressure buildup above said body with said bypass passage closed and, in a second position, selective release of said built up pressure through said bypass passage with said object still on said seat with said body retained in the tubular, said non-metallic construction of said body facilitating rapid removal thereof for subsequent full bore access through the tubular;

said seat is made from a ceramic material.

36. (Previously added) The apparatus of claim 21, wherein:
said body is made from one or more of plastic, epoxy, or phenolic materials.

REMARKS

Claim 18 had been amended to change "if" to "when" as requested by the Examiner. It should now be in allowable condition.

The Examiner notes that there is no abstract in the case but this case is a reissue of USP 6,079,496 which issued with an abstract so no abstract is missing from the case.

The current amendment takes into account the two formal amendments that were filed in 2007 to correct claim 7 where the underlining to the last line was omitted and the parenthetical expression after the claim number was incorrect. It should have said then "currently amended" and it now correctly states "previously amended" and the last line is in the claim 7 and is no longer underlined. Accordingly, the prior informality issues have now all been corrected.

Claims 3, 18, 25-31 and 33 have been objected to but indicated allowable. Claims 3, 18, 25, 29 and 31 have been amended to address either formal issues, claim 18, or dependency issues, the remaining claims so that all these claims are now allowable.

Claim 1, 6 and 20 are rejected as anticipated under Section 102(b) by Angel USP 3,013,612. The Examiner points to FIG. 1. The member that lands on the seat is claimed to be 24 in Angel. The operation of a valve 25 in Angel is only when there is no ball 24 present. If the casing sticks going into the hole, drilling mud is pumped through passage 23 and orifice 41 until 46 lands on 46a to allow pressure to build on 18 to compress the spring 17. The downward movement of 18 opens ports 25 to allow circulation to try to unstuck the casing. When the casing is at the desired location, ball 24 is landed and the fluid valve 35 that normally is only used to allow fluid into the casing as it is initially inserted is blown out so that the flapper seat 29 can contact seat 30a to aid the cementing process. However, after ball 24 is on the seat of sleeve 34 nothing happens except the breaking of shear pins 37 so that ports 25 are not operative because seal 19 prevents any flow around ball 24 when the shear pins 37 are intact.

Claims 1 and 6 define a first and second position of the seat assembly. In the first position the member is on the seat and the passage is obstructed. In the second position the member is still on the seat but there is flow around the obstructed passage. There is no recitation in claim 1 of the seat and member being blown out and there is a specific recitation of separation in claim 6 with increased pressure on failure to obtain the second position. Claim 6 is consistent with claim 1 in that the second position still has the object on the seat.

In Angel with ball 24 on its seat there is no flow around ball 24 possible while ball 24 is on the seat. While spring 17 may regulate the movement of 18 with ball 24 landed, there is no access to flow to ports 25 because seals 19 and ball 24 isolate them until shear pins 37 break and sleeve 34 and ball 24 are blown out. Angel has no second position with a member on the seat where flow around the seated member is possible in the operating range of the regulation device of spring 17.

Claim 20 has common language to claims 1 and 6. Allowance of claims 1, 6 and 20 as originally issued is requested.

Claim 21 is also rejected as anticipated by Angel. Claim 21 has been amended to define a through passage and a bypass passage that is selectively operative with the through passage obstructed by an object to allow flow around the object on the seat. As explained above with regard to claim 1, Angel has no second position with ball 24 in position. Its bypass passage 25 is inoperative with ball 24 seated. All it can do is blow out the ball and the seat from the through passage and the second position is defined in the claim as having a seated object. Compressing spring 17 with ball 24 seated just results in a separation of assembly 35 with no flow through passage 25. This claim is not anticipated by Angel. Similar amendments made to claim 22 should yield the same result as claim 21, allowance.

Claim 35 which is rejected as obvious over Angel has had the same amendment as claim 21 and is therefore also in allowable condition.

Allowance of all the claims is respectfully requested.

Respectfully submitted,

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